

TSW



PATENT
Customer No. 22,852
Attorney Docket No. 04012.0385

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
)
Lukas-Laskey et al.) Group Art Unit: 1614
)
Application No. 10/721,020) Examiner: K. Weddington
)
Original Patent No. 5,760,069)
)
Original Issue Date: June 2, 1998)
)
Reissue Filed: November 25, 2003)
)
For: METHOD OF TREATMENT FOR)
DECREASING MORTALITY)
RESULTING FROM)
CONGESTIVE HEART FAILURE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL REISSUE DECLARATION UNDER 37 C.F.R. §§ 1.172 and 1.175

I, Stephen A. Venetianer, a citizen of the United States of America, declare as follows:

1. I am authorized to act on behalf of the following assignee: SB PHARMCO PUERTO RICO INC. U.S. Patent No. 5,760,069, is assigned to SB PHARMCO PUERTO RICO INC. as assignee of the entire right, title and interest in said patent by virtue of an assignment from Lukas-Laskey *et al.* to Boehringer Mannheim Pharmaceutical Corporation Smithkline Beecham Corporation Limited Partnership No. 1, recorded in the United States Patent and Trademark Office at Reel 007711, Frame

0668, on November 6, 1995; assignment from Boehringer Mannheim Pharmaceuticals Corporation Smithkline Beecham Corporation Limited Partnership No. 1 to Roche Therapeutics, Inc., recorded in the United States Patent and Trademark Office at Reel 013957, Frame 0660 on September 10, 2003; assignment from Roche Therapeutics Inc. to SB PHARMCO PUERTO RICO INC., recorded on September 16, 2003, at Reel 013974, Frame 0463.

2. The title of my position is Vice President, Pharmaceutical Patents.

3. The entire title to the patent identified below is vested in SB PHARMCO PUERTO RICO INC.

<u>Name of Patentees</u> Mary Ann Lukas-Laskey; Robert Ruffolo, Jr.; Neil Howard Shusterman; Gisbert Sponer; Klaus Strein	
<u>Patent Number</u> 5,760,069	<u>Date of Issued Patent</u> June 2, 1998
<u>Title of Invention</u> METHOD OF TREATMENT FOR DECREASING MORTALITY RESULTING FROM CONGESTIVE HEART FAILURE	

4. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C.119
Germany	19503.995.5	February 8, 1995	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. I believe these patentees are the original, first and joint inventors of the subject matter which is described and claimed in United States Patent No. 5,760,069, granted on June 2, 1998, and for which a reissue patent is sought on the invention entitled, "METHOD OF TREATMENT FOR DECREASING MORTALITY RESULTING FROM CONGESTIVE HEART FAILURE," the specification of which was filed on November 25, 2003, as Reissue Application No. 10/721,020 and was amended on November 25, 2003.

6. I have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims as amended by any amendment referred to above.

7. I acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

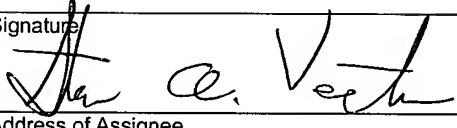
8. I believe that United States Patent No. 5,760,069 is at least partially inoperative or invalid by reason of the patentees claiming more or less than they had a right to claim.

9. The error upon which reissue is based is the failure in the claims of the United States Patent No. 5,760,069 to recite that "the administering comprises administering to said patient daily maintenance dosages for a maintenance period to

decrease a risk of mortality caused by congestive heart failure, and said maintenance period is greater than six months.”

10. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent on the part of the applicants.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of person signing Stephen A. Venetianer		
Signature 	Date August 31, 2005	
Address of Assignee 105 Ponce de Leon Avenue, Hato Rey, Puerto Rico 00917		
First Joint Inventor Mary Ann Lukas-Laskey	Residence 1019 Great Spring Rd. Rosemont, PA 19010 USA	Citizenship USA
Second Joint Inventor Robert Ruffolo, Jr	Residence 725 Pughtown Rd Spring Cit, PA 19475 USA	Citizenship USA
Third Joint Inventor Neil Howard Shusterman	Residence 451 Ballytore Rd Wynnewood, PA 19096 USA	Citizenship USA
Fourth Joint Inventor Gisbert Sponer	Residence Lessingstrasse 13 D-69514 Laudenbach, Germany	Citizenship Germany

Fifth Joint Inventor Klaus Strein	Residence Eichenstrasse 45 D-69503 Hemsbach, Germany	Citizenship Germany
--	--	----------------------------